THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 30380 OF 1998

Dated 20th April, 2007

Between:

P.Sujatha

…Petitioner

And

The Joint Collector, Chittoor.

…Respondents.

ORAL ORDER:

The petitioner is a fair price shop dealer of Diguvaveedhi village, Srikalahasthi Mandal of Chittoor District. She was appointed as such by the second respondent – Revenue Divisional Officer by order dated 17.8.1993 issued in proceedings D.Dis.No.C/493/93. But, however, during the year 1998, the authorization granted to the petitioner was suspended on the ground that the petitioner-dealer did not lift the stocks within the time. But, however, considering the explanation submitted by the petitioner, the primary authority has passed orders dated 7.8.1998 in proceedings D.Dis.C/1908/97 restoring the authorization of the petitioner by dropping the proceedings.

However, the temporary dealer who was appointed in the interregnum period i.e. the fourth respondent herein has filed appeal before the Collector aggrieved by the order dated 7.8.1998. Pending appeal, the first respondent appellate authority has passed the impugned order dated 4.9.1998 in proceedings Roc. S1/1421/98 by directing the respondents that if the petitioner is the daughter of Village Administrative Officer, the order issued by the Revenue Divisional Officer stands stayed. Against the said order, the petitioner filed this writ petition.

At the stage of admission, this court suspended the impugned order and the said order continued all along. Though the writ petition is of the year 1998, no counter affidavit is filed.

The scope of the appeal before the appellate court was confined to the correctness of the order dated 7.8.1998 with reference to the charges levelled against the petitioner. The order

impugned is outside the scope of the appeal. The reason assigned in the impugned order for staying the orders of the primary authority dated 7.8.1998 is totally beyond the scope of the proceedings initiated even by the primary authority. In that view of the matter, the impugned order is liable to be set aside and is accordingly set aside.

The writ petition is allowed. There shall be no order as to costs.

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20-4-2007

R.SUBHASH REDDY, J.

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